had a right to go back, as he found cases in point. The hon. member for Gloucester refused to hear him when on the select committee, but he could not prevent him speaking now, and he was determined to be heard through. The case to which he alluded was this:—

"The House declaring this contempt and breach of privilege, sent a Sergeant at Arms for the Judge to appear before them, but that resolute defender of the laws (Lord Holt) bade him, with a voice of authority, begone; at which they sent a second message by their Speaker, attended by as many members as defended the measure; after the Speaker had delivered his message his Lordship replied to him in these remarkable words:—'Go back to your chair, Mr. Speaker, within these five minutes, or you may depend on't I'll send you to Newgate; you speak of *your* authority, but I tell you I sit here as an interpreter of the laws, and a distributor of justice, and were the whole House of Commons in your belly, I would not stir one foot."

Here the practice of Parliament was against the law of the land. The Sergeant-at-Arms in the first place had no power to call a *posse comitatus* to his aid, but the Judge could call the Sheriff and *posse comitatus* to enforce his order; which the Speaker perceiving, quietly returned to his chair. In 1771 two printers were summoned to attend the bar of the House of Commons to answer a breach of privelege, but the resisted and would not come. The House did not apply a force to arrest them in compliance with the Speaker's warrant, but they applied to the King. A proclamation was thereupon issued in the King's name, which appeared in the Royal Gazette, offering a reward of £50 for their apprehension. They were then soon apprehended and carried before the Mayor and two Alderman, who declared the proclamation illegal, and discharged the prisoners, while they bound over their captors to answer for assault and false imprisonment. The House of Commons then sent for the Mayor and Aldermen, but one of the latter refused to go. The Mayor and one of the Aldermen went, and justified their conduct at the bar of the House, the Mayor concluding with the following words:—

"Mr. Speaker, I ask no favour of this House: I crave no mercy from the treasury bench: I am ready to go to the Tower if the House shall order me. My conscience is clear, and tells me that I have kept my oath and done my duty to the city of which I have the honor to be the chief magistrate, and to my country. I will never betray the privilege of the citizens nor of the rights of the people. I have no apology to make for having acted uprightly, and I fear not any resentment in consequence of such conduct.—I will through life continue to obey the dictates of honor and conscience, to give my utmost support to every part of the constitution of this kingdom, and the event I shall always leave to heaven, ready to meet my fate."

The Mayor and Alderman were both committed to the Tower where they remained until they were liberated by the prorogation of Parliament; but the contumacious Alderman set them all at defiance; he would not surrender, and they had no power to arrest him. The best Judges in the land had ever since decided that the proclamation was illegal. The Sergeant at Arms had no power to call assistance, nor were people obliged to assist him, thus were the Printers and contumacious Alderman enabled to set the House at defiance. The vote of the House of Commons were only binding on themselves, other people not caring for it; and the Grand Jury found bills of indictment against the parties who had arrested the printers, although in opposition to the order of the House. The exercise of these arbitrary and undefined privileges had given rise to many and very just complaints, and it was desirable to ascertain what privileges the legislative bodies did really possess, and to have them open to the examination and trial of the Courts of Justice. Every man had read the celebrated speech of the Earl of Mansfield in the House of Lords upon this subject. At that time Dean Swift in his sarcastic style said the privileges of the House extended to the sacred person of a member's footman, and to his horses and cattle also. His Lordship spoke with extraordinary eloquence in favour of a Bill to abolish this intolerable nuisance. It had become the pest of the Courts over which he presided, so that what was usurped at first as necessary for the freedom of debate became so much abused and so oppressive that a Legislative enactment was required to sweep it away. It was true that the privileges of the House of Commons was better defined of late than they had been formerly, and that House had for a long time exercised the right of committing to gaol for contempt in the face of the House, or whatever disturbed their proceedings, as well as for a libel printed, or breach of privilege committed in any other way out of doors. These privileges were claimed and had been acted upon as appurtaining to the Legislature of this Province; but it was his (Mr. Brown's) candid opinion that all of these undefined privileges were wrong. There was a law of libel which he thought very good, and which was open to any one who might consider himself aggrieved, and there in the Courts of Law the parties could have the benefit of a fair trial. He had held these opinions a long time—ever since he had been imprisoned himself for a contempt of that House, having then first given the subject his close attention; but this was the first time he had ever been called upon to express his opinions in that House. From the time of the imprisonment of the Lord Mayor of London he knew of no very important case till that of Sir Francis Burdett. This gentleman, being at the time a member of the House of Commons, published a letter in Cobbett's Weekly Register which was declared to be libellous, and a breach of the privileges of the House. The Speaker's warrant was issued for his apprehension, but he shut himself up in his House and thereby for a time baffled the Sergeant at Arms; but that officer soon procured a detachment of soldiers, broke through the windows, arrested the Baronet and conveyed him to the Bar of the House. He was sent to the Tower, but sued out a writ of Habeas Corpus and was brought up before the Judges. He was remanded however, and lay in the Tower until the prorogation. He then prosecuted the Speaker and Sergeant at Arms in the court of King's Bench, where the case was argued at great length, and judgement pronounced by Lord Ellenborough, who decided against Sir Francis and also justified the breaking into his house by the Sergeant at Arms and the military. This he believed was the first case of the kind on record, and it had been quoted as a precedent in subsequent actions. The next case he should notice was that of Beaumont *versus* Barrett. Beaumont resisted the Sergeant at Arms, but the people assisited that officer and the other was overpowered. He brought his action against Barrett the Speaker of the house, and the case was appealed to the court of King's Bench, but the Lords decided against the plaintiff, the decision of Lord Ellenborough in the Burdett case being quoted and applied to this, their Lordships thereby allowing colonial legislatures to exercise the same privileges as the House of Commons. Next came the case of Kielly v. Carson in Newfoundland:—In year of 1838 Dr. Kielly having made use of some offensive language towards Mr. Kent, a member of the House of Assembly; he was arrested in consequence by the Sergeant at Arms and committed to gaol. He then brought an action in the Supreme Court against Mr. Carson the Speaker, and some of the members who had taken a part in the proceedings, for trespass and false imprisonment, which was decided against him. He then appealed to the Court of Queen's Bench, where the case was argued before eleven Lords, viz:—The Lord Chancellor, Lords Brougham, Denman, Abinger, Cottenham, Campbell, the Vice Chancellor of England, the Lord Chief Justice of the Common Pleas, Mr. Baron Parke, Mr. Justice Erskine, and Sir L. Lushington. This was a most important case, the most important to colonial legislatures of any decision ever given, as it would be taken as a rule by which all future cases would doubtless be decided. Their Lordships appeared to have this in view when they gave their decision, for after a very careful investigation they directed Baron Parke to deliver their *unanimous* opinion that while a Colonial Assembly has the right of protecting itsself from all impediments during the course of its proceedings to such extent as is necessary for the freedom of debate, it does not possess the power of punishing any one for contempt committed out of doors, of adjudicating upon the fact of such contempt having been committed, or of exercising the functions of a judicial body by awarding any degree of punishment to the offender. They also declared that the case of Beamont *v.* Barrett was improperly decided, the dictum of Lord Ellenborough in the Burdett case having been transferred to it, thereby making the privileges of the Jamaica Legislature co-equal with those of the Imperial Parliament; but such was not the case. In the Newfoundland case it was decided by eleven eminent lawyers, probably the highest and most learned legal [illegible] which could be found in the world, and by their decision the Jamaica case which had been tried by only four Judges, only three of whom agreed in the verdict, and to which their Lordships particularly alluded, was completely overruled. This decision of the eleven Lords the Report professes to set aside, but Judge Carter had no doubt considered them the very best authority, and had liberated the prisoners in consequence. Taking all these things into consideration, it was his opinion that the House did not possess the right they had recently exercised; other hon. members entertained the contrary opinion, which he thought was another strong argument in addition to what had been already urged, that they should address Her Majesty to ascertain what their privileges were. If the opinion of his honor the Speaker were correct, and the measure he advocated carried, he (Mr. Brown) thought they would then be bound on the score of consistency to arrest the parties and commit them to jail again. This plan he thought the House was not prepared to adopt.

Hon. Mr. Simonds said the Speech of the hon. member for Charlotte contained much valuable information, but it came too late to do good; the hon. member should have made his speech when the question came up whether the parties should be arrested or not, it might then have had some influence on the minds of hon. members, but now it was useless to tell them they had acted wrong. The question now before the House was what they had better do in their present situation; it was his opinion they had better wait till the case came before the legal tribunals of the country, for he was pretty certain an action would be brought by the parties whom they had imprisoned—in fact their [illegible] had told him that he had received orders to proceed against them. He knew the hon. Member for Charlotte was going to make a long speech, he could not have rested else, but he had not thrown any light upon the subject as to what they had better do. The question for them to decide was whether they would wait for the action to be brought before the legal tribunals, or arrest the parties again. It was decidedly his own opinion they should remain passive until the question was brought before the Judicial tribunals of the country, when they would be bound to defend their proceedings, and where the hon. member (Mr. Brown) might appear as an advocate! He did not think it was proper for them to address Her Majesty at present; they all contended that the House possessed the right to arrest and imprison for contempt, but if the judicial authorities should decide against them it would be time enough then to address Her Majesty. He thought they should merely adopt the address, and wait for the law to take its course.

Mr. End said he wished to say a word or two by way of explanation, and to save time by narrowing the range of the debate. They were not discussing the power of a competent Court, but the act of a Judge in Chambers. They complained of the inteference of Mr. Justice Carter with the usual operation of the law; and he contended that the hon. member for Charlotte could find no previous case where a Judge had interfered with the authority of a legislative body by liberating a person or persons under a writ of Habeas Corpus. He (Mr. End) complained of the discharge of the parties by writ of Habeas Corpus, and the question now before the House was for them to express an opinion on the subject whether the Judge had acted judiciously or not. (Here the hon. member went into the cases of Hatzell and Floyd, and quoted an opinion delivered by Lord Denman.) It was the interlocutory proceedings of the Judge which now claimed their attention; they should chain their attention to this subject, and endeavour to ascertain whether the Judge was right or not; and he was surprised at the speech he had just heard from the hon. member for Charlotte, and that he should wander so far from his subject. The members of the House should remember that it was not simply their own privileges they were defending. Life is uncertain, as was forcibly brought to their minds by the news they had just received of the death of a much-respected member of their body (Mr. Freeze) who a few days since was in his seat in that House. They were rapidly passing away and giving place to others to whom they were in duty bound to hand down the privileges of the House unimpaired: besides, the Quadrennial Bill was now in operation, and another election was rapidly approaching, when some of them might never return to that House; they should therefore be strenuous in defence of their privileges. He believed there was no person on the floor of that house who from personal motives wished to imprison the publishers of the Loyalist; but members of that house had been attacked by them, and they were bound to support their privileges. It was a very delicate matter for him, holding the situation he did in the Justiciary of the Province, to contest the opinion of one of the Judges, but his duty as a member of that House compelled him to express his sentiments, and he considered the Judge had not acted according to law. He would conclude by offering the following resolution: which would put the matter in a proper shape:—

"*Resolved*, As the opdinion of this Committee, that the Report of the Committee of privileges should stedfastly maintain and adhere to those privileges, so essential to the due performances of the duties imposed on the Legislature of a free country."

Hon. Speaker said the resolution offered by the hon. member for Gloucester did not entirely meet his views, he would therefore move the following as an amendment:—

"*Resolved*, that this House should always uphold and maintain by every legitimate and constitutional means, all those Privileges, which as a colonial House of Assembly, and a Branch of the Legislature of the Province, it is constitutionally entitled to, and which are necessary [illegible] gislative functions."

Mr. J. A. Street said the hon. and learned member for Gloucester's resolution did not correspond with his speech. In the latter he had said that the question was whether the discharge of Doak and Hill was a Breach of privelege but the resolution was not to the purpose The House had determined that they had a right to arrest for breach of Privilege, and had carried their resolution into effect by arresting Doak & Hill and commiting them to jail. The debates which had taken place were not to the point, they having gone into the original question instead of being confined to the discharge of the prisoners by the Judge, and in his opinion the Report was no more to the point than the debate, it having gone into the original question too; the Committee of Privileges in their reports had gone back a great way and refered to a great many cases to show that the house was right in doing what it had done, but they had not touched upon the decision in the Newfoundland case, which was the only one applicable to this. If their privileges had been infringed upon by the publishers they were no less so by the Judge who had discharged them. He was on the committe of privileges and had refused to sign the Report on the ground that they had nothing before them to adjudicate upon. They knew the parties had been imprisoned, and had been liberated by order of the Judge, but they had nothing to show upon what grounds he signed the order for their discharge, nor what precedent or point of law influenced him in giving his decison. He contended then, and he did so still, that these were matters which should have been ascertained before they could be justified in making use of the language contained in the Report. For aught they knew there might have been a flaw in the warrant. The Judge had not acted voluntarily in this matter; every person committed to prison has a right to be called up before a Judge by writ of Habeas Corpus, when that functionary was obliged to act either the one way or the other—either by discharging him or remanding him again to prison, and he was sworn to perform this duty without respect to persons, fearlessly and according to law. He had no doubt but the Judge acted conscientiously in the case, and when it is considered that by doing so he placed himself in an attitude directly opposed to the authority of that House, he thought it was an act of fearless independence highly creditable to him, and for which, instead of censure he was deserving of the highest praise and admiration. He differed from the Committee, and thought they contended for what they did not lawfully possess. He regretted much that they had not agreed with him when the alleged breach of privilege was first brought before their notice. He had then told them that to notice the articles would be frivolous and beneath their dignity, but he was overruled; although from the mealy-mouthed expressions he had just heard from hon. members he thought if they could retrace their steps they would have decided differently.—They were called upon to adopt the Report, which he should oppose for different reasons, one of which was that it assumed that the Judge had acted in this case without consulting the other Judges, an assumption they had nothing before them to warrant. As to the hon. Speaker's resolution he thought it was good; not pledging the House to any definite course, but he should not oppose it.

Hon. Mr. Wilmot said he had listened to the discussion which had taken place, but was yet to learn that anything had been made out in favour of the Judge. Hon. members might talk as they pleased about the delicacy of calling in question an act of the Judge's, but he should not shrink from expressing his opinions on the subject, neither should he exercise any forbearance. This was the first time the exercise of their privileges was ever interfered with by a Judge! and the first time a prisoner committed by a Colonial Legislature was liberated under writ of Habeas Corpus. It was no excuse to urge in his favour that he acted *conscientiously* for the fathers of the Inquisition acted *conscientiously* when they exercised the most inhuman tortures upon their innocent victims—Herod acted *conscientiously*, for he cut off the head of John the Baptist that he might fulfil an idle promise—and Bellingham might have urged the same plea when he shot the lamented Perceval.—The Judge should have taken into consideration whether he was about to discharge his duty *according to law*, and also whether he would be acting *discreetly* by discharging the prisoners; and if the case was doubtful—which it appeared to have been—he should not have interfered. He (Mr. Wilmot) was not disposed to pass the subject by lightly. Nothing could be brought forward to show that the Judge did not know why the prisoners were committed; the warrant (a copy of which he then held in his hand) explained that. If there was a flaw in the warrant, as had been suggested, His Honor had no right even then to interfere, for if the prisoners had been obliged to remain in gaol until the close of the session, they could, in the event of the House having acted wrong, have brought an action for damages, and thereby have obtained satisfaction. He would not have said or done anything to prevent the law taking its course, if the case had been properly brought before a legal tribunal, but the Judge did not wait for this—he had prejudged the case. He would ask hon. members how the people would like to see the action, which he understood the parties were about bringing, tried before the same Judge who had already prejudged the case? or how could he as a Counsellor stand up before the same Judge to plead his own defence, if he should be included in the action, or in defence of His Honor the Speaker, should he be called upon to do so? He would tell them plainly that he would not submit to it! The Judge had placed himself in a hostile position towards the House, and he (Mr. W.) would say he had done so very indiscreetly and incorrectly. This was a breach of privilege committed in the face of the House, for the papers containing the libellous matter were sent to the House by the publishers. Although strangers were admitted to the gallery it was by courtesy, not by right, and the Speaker was not supposed to see them, for if any hon. member rose and said "Mr. Speaker, there are strangers in the House," the gallery was instanly cleared. But any person in the gallery might write insulting or threatening notes and send them down to hon. members on the floor of the House by their own officers—and if a written note was a breach of privilege, how much more so was a printed libel, of which a thousand copies were struck off!—this would be considered a breach of privilege and treated accordingly; but if the House had no power, the people might say "we'll stop here—we won't go out!" they might then barricade the door and keep possession of the gallery until the members could procure a sufficient force and fetch ladders in the House and carry the fortress by escalade! What could they do even then? Why if the present case was to be taken as a precedent, they might send them to gaol, but Judge Carter would say, "It is none of the member's business, and I'll let you out!" Since the first settlement of the Province, the Speaker had always gone to the Governor at the opening of the House and asked him for these privileges, which demand had always been acceded to, and acted upon until now, when a single Judge gets up and tells them they have hitherto been a parcel of fools altogether! He entertained the highest respect for Judge Carter, but he would say that he had acted very indiscreetly in the present case. As to the resolutions then before them he would go for the first one, and he would go farther; he would go for an address to Her Majesty, and lay the whole case before her. And he would say this: that if they could not enjoy the privileges he found in existence when he first entered the House, he for one would not sit there. And if the people did not want them to have these privileges, which were necessary to the freedom of debate, he would not represent them—his constituents might get somebody else, and let their death-warrant be signed by other hands.

Mr. J. A. Street said the hon. member for York was wrong. This was not the first case in which a person imprisoned by order of a Colonial Legislature had been liberated by a Judge under a writ of Habeas Corpus; the same thing happened in the Newfoundland case. The learned gentleman then went into details to show that the House was wrong to exercise their power in a case where the contempt had been committed out of doors. He also argued that the warrant issued by the Speaker was illegal, and that the Judge was perfectly right in discharging the prisoners. He said he would go for the first resolution, but not for the second, because it pledged them to take the same course again if a similar case should occur. The more they had done in this matter the more ridiculous they had made themselves, and if they addressed Her Majesty on the subject, as some hon. members recomended, they would render themselves more ridiculous still; for if Her Majesty had power to grant them an extension of their privileges she had also the power to curtail them, and by an address they would be surrendering the power they had hitherto excercised into her hands, and for the future would in this respect be wholly dependent on her will. Even if he agreed with the majority of the House that they had a right to exercise this power and that it was necessary, he would not go for an address to Her Majesty. (Hon. Speaker—What would you do?) What would he do! why he would bring in a bill to define their privileges, which would bring the subject before the other branches. He could assure hon. members that if their debates were interrupted by a contempt committed in the face of the House, for which there was no doubt about their right to inflict summary punishment—he would not hesitate to imprison the parties committing such a contempt, nor would he, in the event of their being discharged, hesitate to [illegible] would call on the hon. members for Gloucester and York (Messrs. End and Wilmot) to say if such a case were to occur whether they would *then* talk about petitioning the Queen? No! They would then know they had not exceeded their rights, and that the law would bear them out. He was not certain whether the parties who had been imprisoned would bring an action against the house or not, but if they did they would deserve the thanks of the community for setting an end to a troublesome and vexatious question, as the point must then be decided and their privilege defined. As to the Report he was constrained to say that it evinced much research, but very little judgement.

Mr. End said it was merely out of respect to the Bench that he had used comparatively mild terms in his former speech, but since the hon. member had accused him of being "mealy-mouthed" he would say that the confidence of the people in Judge Carter was much weakened by the course he had pursued, and his future usefulness in this Colony must thereby be impaired, if not totally destroyed. In proceeding upon these grounds he had drawn up a resolution which embodied his sentiments, which he would read, and if the House approved of it he would also move it. The learned member then read a resolution to the effect that as His Honor Mr. Justice Carter's influence was much impaired, if not quite destroyed, the House should address Her Majesty's Government praying for his recal from the Province. This resolution was received with marked expressions of disgust, and the learned member did not offer it.)

Hon. Mr. Hazen said the House should pause before they passed a resolution to adopt the Report; it contained a very improper censure upon the conduct of a Judge, who was not to blame, he having merely performed what he conceived to be his duty.—The report displayed a great deal of research; but he as a lawyer was bound to say it was not good law. It stated also what was not true, for the decision delivered in the case of Kielly *versus* Carson it attributed to Baron Parke, whereas it was the unanimous decision of eleven of the first lawyers in the world, and delivered by Baron Parke, he being one of the eleven, under their orders.—He (Mr. Hazen) considered the view taken by the hon. Speaker to be perfectly correct. If the Judge considered the incarceration of the parties illegal he was bound to discharge them. It would not do for him to say in such a case "I have examined your case and find your imprisonment illegal, but as any interference on my part will bring me into collision with the House I must send you back to prison again, although I am *sworn* to act according to law!" It would be poor consolation to the prisoners to be told that their imprisonment was illegal, and at the same time to be told they must go back to prison and stay there until the session was over, and then bring an action for damages! This would be neutralizing the effects of the Habeas Corpus. He contended that if hon. members admitted that the Judge had acted conscientiously they must at the same time allow that he had acted right, and in the manner in which he was obliged to act. He repeated that he could not go for the Report because it did not contain good law; but he would go for the hon. Speaker's resolution, and also approved of the sentiments he had expressed. He was surprised to hear the hon. member for Northumberland say that he did not think the House had a right to imprison for contempt committed out of doors; such language he thought did not sound well when coming from a member of that House; he considered they were all bound to defend the privileges which had been handed down to them by former Houses, and he for one was prepared if similar cases occurred to pursue the same course again and again. But they should not censure the Judge.

Mr. J. A. Street contended that he had as good a right to express his opinions as the hon. member for St. John, or any other hon member had; and he would repeat that it was his sincere conviction that the House had adopted a wrong course.

Mr. Hill said the hon. and learned member for St. John had attacked the Report which he (Mr. Hill) contended no one could do without at the same time denying the right of the House to exercise the power it had done in the late case of breach of privilege. There were two propositions laid down in the report: the first that the privilege was a legal incident inherent in all Legislative bodies; and the second was that they enjoyed the right by long usage. The hon. member said the Report was not good law, thus attacking it in general terms. Such attacks as that were unanswerable, because no one could defend a proposition unless attacked in some particular point; but the hon. member declined saying in what particular part the report was defective.

Hon. Mr. Hazen said he had not time to enter into an argument about the report at present. He agreed with some of the paragraphs, but where it said that the decision of the judges of the Court of Queen's Bench—where eleven eminent lawyers were unanimous—was entitled to *no weight*, it was a perfect absurdity.

Mr. Barberie contended that the publicaiion did not interrupt them in their proceedings. If the parties had libelled any hon. members they could obtain redress by seeking it in a Court of Justice. There was no doubt about the House having a right to imprison parties for a contempt committed within the walls of the House, which was a very different affair, for it would interrupt the business of the country. He could not go for the hon. Speaker's resolution because it upheld the right which was now questionable, he would therefore offer the following amendment:—

"That this House should always uphold and maintain by every legitimate and constitutional means, all those Privileges, which, as a Colonial House of Assembly, and a Branch of the Legislature of the Province, it is constitutionally entitled to, and which are necessary and essential to the free exercise of its Legislative functions."

Mr. Brown said he could not go for the Report, because he thought the eleven Judges who decided on the Newfoundland case was better authority than his learned colleague (Mr Hill.) Neither could he go for the hon. Speaker's resolution because that was to the effect that they should uphold all the privileges they had formerly exercised; and to show *how* those privileges had been exercised he craved attention from the House while he related as an instance how he was treated himself. He was a candidate for Charlotte at the election which took place in 1827, and was defeated according to the return of the Sheriff, but not thinking that return a fair one he came to Fredericton in the month of February following, in company with Mr. Clinch another defeated candidate, and they petitioned the House for a scrutiny of votes. The House received the petition, but several weeks passed without any thing more being done; meantime they (the petitioners) had a host of witnesses waiting, and they found the expense of keeping them so great that they became afraid their means would be exhausted before the scrutiny was held, and that they would be obliged to let their witnesses go home, which would ensure their defeat. Under these circumstances he (Mr. B.) wrote what he considered a very inoffensive letter, which they both signed and directed to several of the members who messed together at a hotel, praying them to exert their influence to procure an early trial. The next day he (Mr. Brown) was arrested by the Serjeant at Arms.—*without a warrant*—and taken to the bar of the House, where he found Mr. Clinch in the same predicament; he then found out for the first time what he was arrested for, as the letter was placed in his hands, and he acknowledged himself to be the author. They were then removed from the bar, and, while in the custody of the Serjeant at Arms, sent in a petition by one of the members expressing their contrition for having given offence, and declaring the same to have been unintentional; but this petition the House refused to hear read! They were then committed to gaol, but on their arrival there it was some time before the gaoler could tell whether to receive them or not, or what to do with them, *the Serjeant at Arms having neither warrant or mittimus!* (hon. Speaker—showing him the original documents—Why, here they are, both warrant and Mittimus!)* Well; he (Mr. B.) did not know how the documents came there; he only knew that there were none issued at the time. After laying in gaol a day or two, with the lawyers fluttering around them, who, however, knew not what to do to get them out, a person called with a document written, which he said was a simple petition for their release, and induced them to sign without reading it; this document they afterwards found to be an acknowledgment of their guilt, and the most humble apology; whereupon they were called to the bar of the House, reprimanded and released. This was one instance of the manner in which the House exercised its privileges, and he for one would not go for a resolution which upheld it, for instead of being necessary to secure to them the freedom of debate, it was a means of oppressing the people.

Col. Allen said that the letter which the hon. member professed to be so very inoffensive, contained expressions reflecting severely on the conduct of some of the members, and for this they were incarcerated.

Mr. Gilbert said he was surprised that the hon. member for Charlotte, after having suffered so much himself, should have shown so much apathy on several occasions since he had been a member of that House, he having voted for the committal of others! He (Mr. G.) thought they were bound to uphold their privileges, because they were entrusted to their safe keeping by their constituents. As to the present case it had all sprung out of the debate on the address to Sir Charles Metcalfe, and he thought it should be a caution to them for the future to mind their own business. He would not have been sorry if the punishment had only fallen upon the movers of that address, but in the present case unfortunately the righteous were obliged to suffer with the guilty. (Laughter.)

Hon. Mr. Hazen moved the following as an amendment to the amendment:—"*Resolved*, That the Report of the Committee of Privileges be not adopted by this House." On this amendment being put it was negatived 19 to 7. Mr. Barberie's amendment was then put, and negatived 21 to 4. The original resolution offered by Mr. End was then put and carried 15 to 10. The hon. Speaker's amendment was then put as a distinct resolution, and carried 21 to 5; *Nays*, Messrs. Rankin, Brown, J. A. Street, W. H. Street, and Barberie.

[As the last days of the session were chiefly occupied in Committee of Supply, or in the final passage or rejection of several Bills, and the discussions generally desultory and uninteresting, this ends our Reports for the Session.—Ed.]

[* We have since been informed that on the arrival of the parties at the gaol, the gaoler finding the proceedings informal made such representations to the House as induced the Speaker to issue his warrant and a mittimus after the parties were incarcerated!—*Ed.*]

LEGISLATIVE COUNCIL.

Wednesday's debates concluded from our last.

Hon. Mr. Saunders said he should prefer first going into consideration of the Bill to relieve persons in unfortunate circumstances; however, as the house had resolved to go into consideration first, of the act before them to repeal the Bankrupt Law, he would confine himself to that subject. No measure that had ever been before that house did he ever remember to have been more loudly called for than the Bankrupt Law. Not only had most numerously signed petitions been presented session after session—previous to 1842—but almost every enlightened member of the commercial community had admitted the necessity of Legislation on the subject. In 1842, but not then for the first time, had an act came before them, that act under the auspices of two hon. members after much alteration and amendment had assumed the form which it now held on our Statute Book. However, in the last session petitions most numerous and respectable had again been presented, praying that the previous Act might be amended to meet the requirements of the County; in consequence of which the Act of 1843 had been passed, that Act had embodied the provisions of the last English Bankrupt Law. Much stress had been laid on the great number of petitioners who had come before them this session; but of all these only an hundred and eighty had prayed for the total repeal of the law. He therefore thought that they must take into consideration the whole of the applications that had been made to them from the beginning and draw this conclusion, that a law relating to Bankruptcy had been most loudly and imperatively called for; subject however to such modifications as the state of our trade and the circumstances of the Province required, with these views he was willing to enter on the subject: he had heard nothing to change his opinion as to the expediency of a Bankrupt Law. He should vote against the present Bill which was for the total repeal of the Bankrupt Law now in force, and was unwilling to substitute for them the provisions of the proposed Bill, relative to persons in unfortunate circumstances, the provisions of which were novel and theoretical, founded on no tried system, and about any one of which, no two hon. members of that house had agreed. The Acts now in force in this Province were founded on the English Bankrupt Laws, a system which had been gradually moulded into its present form after an experience of three centuries. The main features of which were not confined to Great Britain, but were embraced in the code of every commercial state of Europe. The fundamental principles of such a system as this tested by practical experience he could not consent to give up, as he considered that it afforded the only sure foundation of an efficient Bankruptcy Law. He would now endeavour to answer some of the objections which had